UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/SR.7
12 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 10.15 a.m.

STATEMENT BY H.E. THE MINISTER FOR FOREIGN AFFAIRS OF IRELAND, ON BEHALF OF THE EUROPEAN COMMUNITY

1. Mr. COLLINS (Minister for Foeign Affairs of Ireland), speaking on behalf of the 12 States members of the European Community, having read out a portion of a statement commemorating the tenth anniversary of the founding of Charter 77, said that the people of Czechoslovakia and of other countries in central and eastern Europe had determined for themselves that the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Final Act of the Conference on Security and Co-operation in Europe were to be taken seriously and were true standards against which government practices should be measured.

2. If he was dwelling on the historic changes taking place in central and eastern Europe, it was not because of a narrow European perspective, but because what was happening there had far-reaching implications for strengthening peace and security in the world. In country after country, a rigid one-party system was giving way to a political order based on the inalienable human rights of the individual. The Twelve wholeheartedly welcomed that process.

3. The readiness for political and economic reform, which had first flowered in Hungary, Poland and the Soviet Union, had so far spread to Bulgaria, Czechoslovakia, the German Democratic Republic and Romania. The extraordinary courage and resolution shown by the citizens of those countries demonstrated once again the inextinguishable strength of the human spirit and the inability of States to violate human rights unchallenged.

4. The recent changes should not be interpreted as the adoption of a Western European way of thinking and acting. The values whose resurgence he was celebrating were not the exclusive preserve of a single region or of a specific tradition. They were values which the Twelve held and proclaimed in common with the African, Caribbean and Pacific States which were their partners in the Fourth Lomé Convention.

5. The 35 States participating in the Conference on Security and Co-operation in Europe, held at Vienna in 1989, had adopted a Concluding Document which embodied important new provisions on the full enjoyment of human rights. A second meeting of the Conference to be held at Copenhagen in June 1990, would enable a further review of those proposals and their implementation to be carried out.

6. The popular uprisings in central and Eastern Europe were paralleled elsewhere. He recalled the wave of democracy which had swept through South America in the previous decade and would culminate a few weeks thereafter with the installation of a new Government in Chile.

7. Namibia was soon to emerge as a newly independent nation - another instance of the final triumph of popular will supported by international pressure, and a lesson which pointed the way to a peaceful solution in South Africa itself. Indeed, he had just heard that the President of South Africa was currently announcing some important measures which would meet some of the demands the Twelve had made, the first of them being the release

of Nelson Mandela; the Twelve would welcome not only his release but also a firm commitment on the part of the South African Government to take all the steps needed to end the apartheid system.

8. Others, too, must heed the warnings that popular pressure for freedom and democracy could be contained only for so long; the Palestinian people in the occupied territories continued to insist on the right to self-determination, despite the repression, often violent, against which the Twelve constantly protested.

9. The Twelve's efforts in international forums and elsewhere testified to their determination to support in every way the observance of human rights, and the Community's member States would continue to address particular country situations in the Commission, the Third Committee of the General Assembly and elsewhere.

10. The Twelve shared the international community's deep dismay at China's repression of peaceful demonstrations in 1989, and had expressed concern at the highest level in the European Council. They called upon the Chinese authorities to guarantee, in keeping with their international obligations, full respect for the human rights of their citizens throughout China, including Tibet, and hoped that the recent decision to lift martial law in Beijing was but a first step and that other substantive measures would soon follow.

11. The changes sweeping the world showed that Governments were not arbiters, but custodians and trustees, of human rights. If Governments failed to guard those rights, their peoples could appeal over their heads. As had recently been most effectively demonstrated, the will of the people was the basis of a Government's authority.

12. Each session of the Commission was a forum in which Governments collectively accounted for their stewardship and the world community had an opportunity to reaffirm its commitment to the values enshrined in the Universal Declaration and to an international order in which human rights and fundamental freedoms could be fully realized. The Governments concerned participated voluntarily in that collective procedure, because they accepted that respect for human rights was not an internal but an international responsibility. In that sphere, debate about interference in the internal affairs of States was redundant; an impressive body of international instruments reflected the wide recognition that the international community had a duty to call a halt to human rights violations anywhere in the world.

13. That was not only a moral duty but had an important political dimension; stable relations between States were essential, but an order sustained "at the price of a paralysis of the spirit, a deadening of the heart and devastation of life" - to use Vaclav Havel's words - was inherently unstable. Systematic human rights violations in one society invariably bred conflict which was rarely confined to that society.

14. All human rights and fundamental freedoms - whether civil and political or economic, social and cultural - were indivisible and interrelated. Emphasis on one category alone could not be justified; States must acknowledge that the world community assessed their performance in relation to all categories of human rights.

15. Satisfaction at recent advances in the observance of human rights could not disguise the fact that many States had signally failed to honour their commitments or had remained passive in the face of flagrant violations by extra-legal groups. Non-governmental organizations played a valued role in drawing wider attention to such violations. International human rights instruments legally obliged Governments to protect their individual citizens' rights, and placed a moral and political obligation on all States to bring pressure to bear to correct abuses wherever they occurred.

16. Experience showed that effective international protection of the basic human rights of all was a prerequisite for international peace. For that reason, the Twelve attached great importance to the Commission's work, which had helped in the emergence of many relevant international legal instruments, and thought it should be backed by enhanced resources within the United Nations budget.

17. However, effective supervisory and implementation procedures were required in addition to international instruments themselves; over the years the Commission's monitoring role had been strengthened by measures such as the treaty bodies, the appointment of special rapporteurs, the confidential procedure under Economic and Social Council resolution 1503 (XLVIII) and the provision of advisory services.

18. Those valuable and flexible procedures could not function properly without the full co-operation of Governments and most regrettably, some members of the Commission had on occasions thwarted them for reasons incompatible with the solemn obligation on all members to safeguard human rights. Human rights issues had become a major factor in international relations, and States would increasingly be judged on their willingness to accept international scrutiny of their domestic human rights record.

19. That was one key reason why the Commission's deliberations had assumed such importance in the public eye and within the United Nations system. The Commission received valuable reports on particular country situations as well as on abuses of specific human rights under thematic headings; but while it had done useful work in highlighting violations in certain countries, there were others in which investigation of disquieting reports had been prevented for what could only be seen as unacceptable political considerations.

20. The Commission's commitment, at its current session, to the advancement of human rights would to a great extent, be measured by how it responded to that tendency. In that connection, the system of special rapporteurs on thematic issues had proved extremely effective, and it was hoped that the special rapporteurs' mandates would be renewed for a further period.

21. The Twelve would also consider positively, with a view to consensus, all suggestions for strengthening the Commission's machinery and effectiveness, which aimed at the practical defence of human rights. The rationalization of the Commission's agenda, the strengthening of the mandates of the special rapporteurs, particularly those on thematic issues, a wider role for advisory services and the establishment of an inter-sessional mechanism to address urgent matters were among the more practical ideas being considered. It was also essential that the Centre for Human Rights should be allocated a higher proportion of the United Nations budget than the current figure of less than 1 per cent.

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22. The Twelve joined with the people of the Soviet Union in mourning the passing of Dr. Andrei Sakharov. He had lived to see the dawn of a radically new approach in which the need to comply with universal standards was officially acknowledged. He had had the happiness of seeing that his ideas had begun to be accepted and of being in a position, as a legislator, to help implement them.

23. As Dr. Sakharov had written, the ideology of human rights was probably the only one which could be combined with such diverse ideologies as communism, social democracy, religion, technocracy and those which might be described as national and indigenous, and could also serve those who had tired of the abundance of ideologies, none of which had brought simple human happiness; the defence of human rights was a clear path towards the unification of people in a turbulent world and towards the relief of suffering.

24. That was the path which all human beings must take together.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1990/3, 4 and 59; A/44/352, and 599)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1990/10, 11, and 58; E/CN.4/1990/NGO/4 and 8; and A/44/526)

25. Mr. WIRAJUDA (Observer for Indonesia), having noted the recent encouraging trends in the international political climate, in particular the rapid democratization of Eastern Europe, said that improved mutual understanding among States, notably between the major Powers, had led to an easing of international tensions and had stimulated efforts to resolve regional conflicts through dialogue. Yet many problems still remained.

26. His delegation welcomed the beginning of a new era for the people of Namibia. With the implementation of the United Nations plan for Namibian independence, one of the longest chapters in the history of decolonization was drawing to a close. The imminent accession of Namibia to independence represented the crowning victory of the national liberation struggle. Indonesia had made an active contribution to the independence process, and deemed it a privilege to have been able to do so.

27. Notwithstanding the progress made on Namibia, the increased repression carried out inside South Africa against all opponents of the apartheid régime continued to give cause for concern. His Government was fully committed to the eradication of apartheid so that a non-racial and democratic society could be built and supported the sanctions imposed on South Africa by the Security Council.

28. In the Middle East, developments of far-reaching consequence had taken place in Palestine itself and on the international diplomatic front. Despite the willingness shown by the State of Palestine to seek a comprehensive political settlement, obstacles still remained. The Secretary-General had repeatedly expressed concern at the widespread violations of human rights and had called on Israel to abide by its obligations under the Fourth Geneva Convention. It was more urgent than ever to press ahead towards convening an

international conference, the only effective framework for negotiating a just settlement. His Government reaffirmed its commitment to helping the Palestinian people achieve its sovereignty in an independent Palestinian State.

29. In South-East Asia, the people of Cambodia were still being denied their inalienable right to determine their own future under a Government of their choice. Over the past year, however, encouraging steps had been taken to put an end to the conflict. The Jakarta Informal Meetings I and II, which had brought together all parties directly involved in the conflict as well as other concerned countries of the region, had provided a first opportunity for a dialogue on a comprehensive, just and durable settlement.

30. However preliminary in nature, the two sessions of the JIM had succeeded in reaching a common understanding on the objectives, overall framework and major elements of such a settlement. Although the Paris International Conference on Cambodia had not been able to reach an agreement on a number of issues of crucial importance, progress had been made in elaborating various aspects of a settlement.

31. In the hope of finding a viable solution, Indonesia, together with its partners in the Association of South-East Asian Nations (ASEAN), would continue to work towards a just peace in Cambodia. To that end, it had been agreed that another informal meeting would be held in Jakarta on 26-28 February 1990.

32. Speaking in exercise of the right of reply, he said that it was high time for everyone to accept the fact that decolonization had taken place in East Timor and that its people had chosen independence through integration with Indonesia in conformity with General Assembly resolutions 1514 (XV) and 1541 (XV). Far from allegedly invading or occupying East Timor, Indonesia had contributed to the decolonization process, helping to ensure that the democratically expressed will of the majority had not been overruled by armed terror or a ruthless minority, as had occurred in the territory before and after Portugal had abandoned it in chaos in 1975. In the general elections of 1982 and 1987, the people of the province had reaffirmed their decision to join the Republic of Indonesia. The question of East Timor had not been considered by the General Assembly for the past seven years, because Member States understood that the decolonization process in the territory had been completed.

33. Indonesia was committed to continuing the dialogue with Portugal under the auspices of the Secretary-General. It was in that context that Indonesia and Portugal had agreed in principle for a delegation from the Portuguese Parliament to visit Indonesia, including the province of East Timor. It was encouraging to note that many delegations to the forty-fifth session of the Commission, as well as in other forums, had agreed that dialogue was the only viable way of reaching a settlement.

34. Mr. PAK DOK HUN (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that in his country, every citizen was guaranteed by law the right to vote and to be elected without pre-conditions or discrimination. His delegation would not tolerate anyone insulting the country's democratic system, which its people loved and defended. Through the right to vote, the political rights of the people were guaranteed.

35. His delegation reserved the right to discuss the electoral system of the United States of America, where many were prevented from voting and where the have-nots who had created the wealth could not be elected. It was preposterous for the United States, which had invaded Grenada, trampled upon the sovereignty of Panama and occupied half of the Korean peninsula for 45 years, to make remarks about the electoral system of other nations. Encroachments on the sovereignty and the territory of other nations must be denounced as wanton violations of the right to self-determination.

36. Mr. TRAN HOAN (Observer for Viet Nam) said that his delegation welcomed the victory of the South West Africa People's Organization (SWAPO) in the general elections for the Constituent Assembly in Namibia, which was also a victory for the Namibian people in its struggle to recover its right to self-determination. The international community must, however, ensure strict application by South Africa of Security Council resolution 435 (1978), and of the agreements reached. The Vietnamese people supported the oppressed people of South Africa in its fight to abolish the apartheid régime and to exercise its right to self-determination.

37. With regard to Western Sahara, his Government welcomed the agreement in principle between the two parties concerned based on the joint plan of the President of the Organization of African Unity and the Secretary-General of the United Nations. It was to be hoped that the process of decolonization in that territory would continue.

38. His Government reaffirmed its support for the Palestinian people in its struggle, under the Palestine Liberation Organization, to exercise its legitimate right to self-determination. The State of Palestine had created favourable conditions for finding a political solution to the Palestine question. His delegation was in favour of convening an international conference on the Middle East with the participation on an equal footing of all the parties concerned, including the State of Palestine.

39. His delegation expressed its unreserved support for the peoples of Cuba, Nicaragua and Angola in their fight to safeguard their independence and sovereignty in the face of threats of aggression from imperialist forces. With regard to Afghanistan, the other parties concerned must respond positively to the good will of the Republic of Afghanistan and the Union of Soviet Socialist Republics by ensuring strict application of the Geneva Agreements on Afghanistan. His Government strongly condemned the act of aggression carried out by the United States against the Republic of Panama, in violation of the Panamanian people's right to self-determination, the Charter of the United Nations and the principles of international law.

40. With regard to Kampuchea, the core of the problem was to prevent any return of the Pol Pot régime. Desiring to put an end to the genocide committed by the Pol Pot clique and to its aggression against Thailand, Laos and Viet Nam, and exercising its right to legitimate self-defence in order to preserve its territorial integrity and protect the lives and property of its people, Viet Nam, responding to the call of the Cambodian people, had sent its troops to fight side by side with the revolutionary armed forces of the Cambodian people. The Pol Pot régime had been crushed and the Cambodian people rescued.

41. Since then, Vietnamese volunteer troops had assisted the Cambodian people to prevent a return of the Pol Pot clique. Viet Nam had been gradually withdrawing its troops and, by 26 September 1989, they had all been repatriated, together with their weapons and military material. Observers from 20 countries and 6 international organizations, together with more than 400 foreign reporters, had attended that final withdrawal.

42. Thus, the presence of Vietnamese troops in Cambodia was neither aggression nor armed occupation, nor did it interfere with the right of the Cambodian people to self-determination. On the contrary, it had been in complete conformity with the principles of the Non-Aligned Movement and the Charter of the United Nations and represented the legitimate right to self-defence of States and their right to provide mutual assistance to prevent genocide.

43. Over the past year, a number of positive developments had taken place that would speed up the search for a comprehensive political solution to the Cambodian problem, on the basis of respect for the Cambodian people's independence, sovereignty and right to self-determination. In addition to the complete withdrawal of all Vietnamese troops from Cambodia, a second Jakarta Informal Meeting and the Paris International Conference on Cambodia had been held, establishing the framework for a settlement.

44. Other positive developments included: the initiative launched by the Prime Minister of Thailand for a cease-fire between the Cambodian factions; the convening of another Jakarta informal meeting; the joint declaration by the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America, in which the Soviet Union and the United States announced their willingness, in concert with other States, to declare a moratorium on military aid to all the Cambodian factions; and the Australian proposal to involve the United Nations in a settlement and to leave Cambodia's seat at the United Nations vacant.

45. For its part, the State of Cambodia had given ample evidence of its willingness to work towards a comprehensive political solution, to put an end to hostilities, to achieve national reconciliation and to build an independent, sovereign, democratic and non-aligned Cambodia in the interest of peace, stability and co-operation in South-East Asia and the world. In that spirit, the National Assembly of Cambodia had declared that country's permanent neutrality, and the Government of the State of Cambodia had also responded positively to the Australian proposal, stressing that it could be combined with the Namibian formula to form the basis for discussions on a settlement of the Cambodian problem.

46. The time was ripe for a comprehensive political solution to the Cambodian problem. To that end, it was essential to stop all military aid to the Cambodian factions, to cease all interference in the internal affairs of Cambodia, to support the achievement of a cease-fire and, lastly, to prevent civil war and the return of the genocidal Pol Pot régime. Viet Nam would spare no effort to help reach a settlement that respected the independence, sovereignty and right to self-determination of the Cambodian people.

47. Mr. DUNA (Observer for Turkey) said that the denial of self-determination to the peoples entitled to it according to criteria recognized by the Charter not only violated a fundamental right but endangered regional and world peace. On the other hand, any attempt to destroy a country's national unity and territorial integrity, partly or totally, was incompatible with the Charter's objectives and principles; therefore, the right to self-determination was not to be misrepresented and misused by minorities.

48. In countries formed of clearly separate communities or segments of populations from other countries, such entities had equal rights to determine their own fate; to try to deprive one segment of the right to self-determination under any pretext, while fully recognizing it to another might give rise to inequitable situations; it was impossible to impose on a people a fate it did not desire.

49. The traumatic consequences of such a denial was seen in the plight suffered by the Palestinian people and the resultant explosive situation in the Middle East. A just and lasting solution to the question of Palestine could be found on the basis of Israel's withdrawal from the Arab territories occupied since 1967, recognition of the Palestinians' legitimate rights, including the right to establish an independent State, and acknowledgement of the right of all nations in the region, including Israel, to live within secure and recognized boundaries. The proclamation of the State of Palestine had stemmed from the Palestinians' right to self-determination, which was inalienable and should be recognized as such by Israel.

50. His Government was still concerned about the tragic situation in Afghanistan. Since the withdrawal of foreign troops pursuant to the Geneva Agreements, the need for a broadly-based fully representative Government in Afghanistan was essential to a lasting solution. Other important tasks were the creation of conditions for the voluntary return of refugees and the country's reconstruction; his delegation supported the steps taken in that regard, including the efforts by Prince Sadruddin Aga Khan to co-ordinate international action. Pakistan's generosity in continuing to bear the brunt of sheltering Afghan refugees had rightly earned the international community's gratitude.

51. Turkey, as a founder member and one of the Vice-Presidents of the Council for Namibia, welcomed the positive steps towards that country's independence that had taken place within the framework of Security Council resolution 435 (1978). His Government was highly gratified by the successful conduct of the free and fair elections under United Nations supervision; it was confident that the Constitution drawn up by the Constituent Assembly would reflect the Namibian people's genuine aspirations, and was pleased that, as a result of the Nambian people's struggle and the efforts of the international community in general and the United Nations in particular, the last colony in Africa was thus about to disappear.

52. The recent positive developments in Cambodia gave grounds for hope that the suffering there would soon be ended. His Government appreciated the diplomatic activities, especially of the ASEAN countries, to that end, and paid tribute to the efforts of the States that had participated in the International Conference on Kampuchea.

53. Respect by the international community for the right to self-determination would play a vital role in preserving and promoting human rights and contribute to the cause of peace. In order to strengthen the cases where that principle's implementation was fully justified, all attempts to use it for mischief or to justify separatism and terror should be firmly discouraged.

54. Mr. WALDEN (Observer for Israel) said that the basic theme underlying the history of the Middle East dispute not merely since 1967, nor even since 1948, but for many decades before then, had been the refusal of almost the entire Arab world to accept the right of a Jewish State to exist or Jews to return to their ancestral homeland. In 1947, when the General Assembly had adopted a resolution calling for the partition of the former Mandated territory of Palestine, the Jewish leaders had accepted it while the Arab States without exception had indignantly repudiated it.

55. Instead of accepting a historic compromise, seven Arab States, headed by the local Arabs, had invaded Israel. If the Arab States had won the War of Independence and subsequent wars, there would be no debate taking place in the United Nations on an item entitled "Question of the violation of human rights in the occupied Jewish territories", for there would not be one Jew left in the territory of Israel to enjoy or be denied any human rights.

56. Israel had time and time again indicated its readiness to negotiate the future of the territories with the Arab States. A formal commitment to conduct such negotiations with the Arab States and with the elected representatives of the Palestinian Arab population was made in the Camp David Accords. The rejection by Arab States other than Egypt of the idea of such negotiations was absolute, since the price to be paid for them, namely recognition of the right of Israel to exist, was too high for most Arab States to pay, both then and subsequently.

57. Israel's policies had remained unchanged. In April 1989, Prime Minister Shamir had announced a four-point peace initiative comprising a common Israeli-Egyptian effort to build, on the basis of the Camp David Accords, a comprehensive peace for the Middle East; normalization of relations between Israel and the 20 Arab countries currently in a state of war with Israel; participation of the international community in an effort to rehabilitate the Palestinian refugee camps in the territories; and holding of free democratic elections so that the Palestinian population could choose their representatives for negotiations with Israel.

58. However, the myth had been propagated that it was not the Arabs who had consistently repudiated the right of Israel to exist but Israel that repudiated the legitimate rights of Palestinians. According to that myth, all the Arabs were willing to negotiate with Israel, but Israel constantly frustrated that wish by refusing to negotiate with the PLO. It had been claimed that the Palestinians wanted only a small State and to live peacefully side by side with Israel while Israel, with its expansionist dreams, frustrated that idyllic scenario. Members had even heard during the current session the fantastic canard of Israel's alleged plan for a State from the Nile to the Euphrates.

59. However, a closer look revealed the following facts. In an interview published by the Kuwaiti newspaper Al Qabas on 26 December 1989, the "Ambassador" of the PLO to Saudi Arabia referred to the disagreement between

the PLO and the fanatical Hamas movement, which openly called for the destruction of Israel. He had said that the essence of his organization's disagreement with Hamas was that their starting point was the same as that of Fatah, namely "All Palestine belongs to us and we want to liberate it from the river to the sea in one go. However, the Fatah movement, which leads the PLO, considers that one should act in accordance with the policy of stages. Although both agree about the final end, the difference relates to the means." The "policy of stages" meant that the PLO should first establish a State in any territory it was able to gain and then use it as a springboard for the next stage, which was the seizure of the sovereign territory of the State of Israel.

60. In an article published in the Boston Globe on 19 January 1990, the "Foreign Minister" of the PLO was quoted as saying that he did not accept Israel's right to exist and that, with regard to the two-State solution, what the PLO accepted today it would not accept tomorrow. The meaning was clear: the two-State solution was only an interim one and, once it had been achieved, the PLO would move on to the second stage, the one-State solution.

61. According to an article in the International Herald Tribune on 12 January 1990, Yasser Arafat had reached agreement with Muammar Qaddafi of Libya on the proposition that the State of Israel was one of the outcomes of World War II and must disappear, just as the Berlin wall and other results of that war were disappearing. Those statements reflected the PLO's real policy rather than the single statement reluctantly extracted from Yasser Arafat in 1989 at a press conference at Geneva.

62. Since the elimination of Israel was the declared policy of the PLO, no one should be surprised at Israel's refusal to negotiate with it. The Arabs wanted an international conference and not direct negotiations because in negotiations States met as equals. In an international conference, there would be no such face-to-face meeting but merely a gathering of States designed to enforce a solution. He wished to make it clear that Israel would not respond to pressure either in the Commission or at an international conference. A solution would be found only through free negotiations.

63. Referring to the denial by the Arab world of the right of individual Jews to return to their ancestral land, he said that it was not surprising therefore that with the recent growing wave of Jewish immigration into Israel there had been a flurry of propaganda among Arab spokesmen, designed to put an end to it. It was alleged that the Arab campaign was aimed solely at the settlement of those immigrants in the territories. That was, of course, not true and it was immigration to Israel as such that the Arabs opposed.

64. The intifadah was not, as it was constantly presented, merely a battle for the withdrawal of Israel from the territories which had come under Israeli control as a result of Arab aggression, but one facet of the ongoing struggle for the elimination of the entire "Zionist entity".

65. In August 1988, Hamas had published a document called the Covenant of the Islamic Resistance Movement which contained the following main provisions: liberation of all Palestinian soil and its restoration to the Islamic fold by means of a jihad (holy war); and total resistance to any peace initiative which would necessitate conceding any part of Palestinian land. That, of course, meant the territory of the State of Israel.

66. While not all the inhabitants of the territories shared that fanatical ideology, the fate of Palestinians who preferred the path of accommodation, and there were many such, was not always a pleasant one. During the first half of 1989, 50 per cent of all intifadah attacks were by Palestinians against their fellow Palestinians. From the beginning of the intifadah to November 1989, 136 Palestinian Arabs had been murdered and 245 injured by other Palestinians. Palestinian spokesmen had been unable to deny those events and tried to minimize them by calling the victims "collaborators". The victims were frequently tortured and forced to sign "confessions" which were later printed in leaflets justifying the murders.

67. On the whole, the human rights community, which was so quick to denounce any Israel misconduct, had been totally silent about those events. A notable exception was Amnesty International, which, in November 1989, had condemned the killings and accused the Palestinian leadership of tacitly condoning them by remaining silent. Israel was doing its utmost to implement its responsibility with regard to bringing the perpetrators to justice.

68. Much had been said during the debate about the casualties sustained by Palestinian children, but it was the leaders of the intifadah, whose notion of honourable combat was to hide behind young children instead of doing their own fighting, who bore the responsibility. Those who vented their indignation at Israel on account of the tragic injuries to children should condemn those who were not ashamed to send out children to whom they owed a duty of protection.

69. He wished to make it clear that Israel's activities had been aimed exclusively at protecting its citizens from mortal danger. In that connection, he referred to instances in which civilians and soldiers had been killed or injured by Molotov cocktails, smoke inhalation or stabbing attacks.

70. Referring to the means adopted by Israel to handle the violence against Israelis and Palestinians, he said that stringent directives governed the use of live ammunition and plastic and rubber bullets by soldiers. It was prohibited to use force as a punishment or against people offering no resistance. Soldiers violating those rules were subject to military discipline. In that connection, about 90 soldiers have been court-martialled since the beginning of the intifadah, only 9 of whom had been acquitted. As to the allegations of the use of poison gas, the truth was that Israeli forces used standard tear-gas, of the type employed by police throughout the world.

71. With regard to administrative detention, the decision to place residents in detention might be made on the grounds of the danger posed by the detainees to the lives or safety of others or their ongoing involvement in violence-related acts. Every prisoner had the right to submit an appeal against his detention to the Supreme Court, in accordance with article 78 of the Fourth Geneva Convention.

72. Expulsion orders had rarely been issued against instigators of violence and then only as a last resort. The right of appeal against such orders existed, with the Supreme Court as the final instance. With reference to the allegation that such action was a violation of article 49 of the Geneva Convention, the Supreme Court of Israel had pointed out that the provision did not relate to the expulsion of individuals as a security measure.

73. In conclusion, he said that it was by direct negotiations and not by violence, by conciliation and mutual understanding and not by the adoption of irrelevant one-sided resolutions, that peace would be finally achieved in the area.

74. Mr. KERKINOS (Observer for Greece) wished to express his Government's concern at the continued situation of confrontation and hostility in the occupied Arab territories, including Palestine. An examination of the situation over the past year led to the unfortunate conclusion that Israeli military forces continued to occupy the territories and that they were persisting in their efforts to alter the status of those territories and integrate them within their own, totally unconcerned as to whether their deeds were contrary to international law and basic principles.

75. Referring to the series of illegal acts described in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/599), he said that it was not difficult to understand why the Palestinian people had lost hope and had had recourse to an uprising against the occupation, which the Israeli military units had tried unsuccessfully to crush by brute force.

76. The situation in the Middle East was extremely dangerous and it was high time that the international community took practical steps to achieve a just and durable solution of the problem which would enable the Palestinian people to enjoy the right of self-determination and establish their own independent State so that they could live in peace and security with all States in the region, including the State of Israel, within internationally guaranteed borders. Such a solution would provide more solid guarantees for the security of Israel itself.

77. A basic condition was, of course, the withdrawal of all Israeli forces from the occupied Arab territories. His Government stressed the need for a negotiated settlement of the problem between all the parties concerned, including the PLO, the sole legitimate representative of the Palestinian people. Greece, together with its partners in the European Community, strongly supported the early convening of an international conference on the issue.

78. Turning to other parts of the world where the right to self-determination was still denied, he said that his Government had welcomed the signing in 1989 at Geneva of the agreements on Afghanistan and the subsequent withdrawal of Soviet troops. Unfortunately, the remaining provisions of the agreements had not yet been implemented. Millions of refugees had not returned to their homes and the Afghan nation had so far been unable clearly to decide its own fate. His delegation hoped that future efforts would seek to allow Afghanistan to be governed by a truly representative Government through a genuine act of self-determination that would ensure freedom, democracy and justice for the people of that country.

79. With regard to recent developments in Kampuchea, the rays of hope that had shone during the Paris Conference on South-East Asia and the subsequent withdrawal of the Vietnamese troops had since been dimmed. Efforts should be renewed to achieve a just and comprehensive solution to the problem so that the Khmer people could decide their own future freely and establish an independent, democratic, and non-aligned Kampuchea.

80. As far as Western Sahara was concerned, his delegation hoped that the positive trends witnessed the previous year would be decisive, thereby ensuring a just and lasting peace in the region and an improvement in the relationships in the Maghreb.

81. Some encouraging developments had been noted in southern Africa with the recent elections in Namibia. The way had therefore been paved for the normalization of life in that country, offering its people the possibility of freely deciding their future. It remained to be seen whether the interested parties would demonstrate consistency and whether the democratic principles and provisions of the United Nations peace plan for Namibia would be implemented in full.

82. His Government was concerned at the situation in South Africa, where the continued unacceptable policies of apartheid deprived the black population of its right to self-determination, a situation which endangered peace, security and stability in the area.

83. The use of mercenaries constituted a violation of human rights and an obstacle to the free exercise of the right to self-determination. In that connection, his delegation commended the Special Rapporteur on his comprehensive report (E/CN.4/1990/11) and endorsed his recommendation that further efforts should be made with a view to reaching an international consensus for combating that dangerous practice.

84. In conclusion, he stressed the need for the international community to make full use of the various international instruments promulgated for the protection of human rights since the establishment of the United Nations.

85. Mr. RAMLAWI (Observer for Palestine) said that, despite the efforts of the international community to redress the tragedy of the Palestinian people, whose right to self-determination was recognized by all, the Palestinians had been struggling for more than 70 years to achieve their national rights and were making daily sacrifices at the hands of the Israeli occupation forces to attain that goal.

86. The problem did not lie with the international community or its lofty principles; rather, it originated in the era of brute force that had preceded the organization of the international community. The United Nations had been expected to bring that dark era to an end. A new international order characterized by liberty, independence and fraternity among people had been expected to grow out of the ruins of the régimes of despotism, racist and supremacist ideology and colonialist power, which had been the direct cause of the subjugation of mankind to various forms of war and misery.

87. Nevertheless, the forces of tyranny, racist and supremacist ideology and colonialist power remained hidden behind the features of the new era. Otherwise, it would be difficult to explain Israel's military occupation of Palestine and its flagrant refusal to adhere to the principles of international law and the resolutions of the United Nations, including those of the Commission. Likewise, it would be difficult to explain the crimes committed by Israel, including the crime of genocide, against the Palestinian people when the Palestinians expressed their will to reject the occupation and exercise their right to self-determination. There could be no other explanation for the support given by the United States of America to such

practices at the expense of human values and the principles of international law. Similarly, it was difficult to explain the rejection by the United States of America and Israel of the Palestinian peace initiative, which the entire world had welcomed.

88. International détente, which the world had welcomed as the beginning of a global lessening of tensions, was being used as a weapon against the Palestinian people and its right to self-determination. He had been among those who had welcomed détente between the two super-Powers on the understanding that it was necessary in order to resolve regional conflicts on a just basis and to overcome once and for all the last bastions of tyranny, supremacist racism and colonialism. However, one of the results of détente had been the export of waves of Jews to Israel at a time when the international community had condemned Israel for its policy of expelling Palestinians from their homeland.

89. It was a moot point whether a victory for the human rights of some at the expense of the human rights of others could be considered a humanitarian principle or a principle of human rights. The emigration of Soviet Jews was regarded as a human rights issue in the lexicon of the United States of America. However, the fact that the United States closed its doors to Jews wishing to emigrate from the Soviet Union, and forced them instead to go to Israel, constituted a violation of the right of emigrants to choose the country to which they wished to travel. It also reinforced the crime of Jewish expansion and settlement in Palestine.

90. The emigration of Soviet Jews to "Greater Israel" was a basic element in the continued Israeli policy of expansion, settlement and aggression. The settlement of such immigrants in the occupied Palestinian territory was in flagrant violation of article 49 of the Fourth Geneva Convention of 1949, which forbade the transfer of the citizens of the occupying Power to those territories which it occupied.

91. The danger inherent in Israel's intention to settle Soviet Jewish emigrants in the occupied territories had reached such a point that even the United States of America could not remain silent. A spokesman for the United States Government had stated that such a practice constituted an obstacle to peace. The Soviet Union had issued a similar warning to Israel. Meanwhile, the Palestinian people was subject to dispersion, the denial of its rights, killing, terrorism, occupation and humiliation.

92. The right of the Palestinian people to self-determination in its homeland was the corner-stone of a just and durable peace in the Middle East. As long as that basic right remained unrealized, the revolution of the Palestinian people would continue to develop.

93. Mr. VARGAS (Observer for Nicaragua) said that the General Assembly and Commission resolutions relating to the occupied Arab territories, including Palestine, clearly showed that only the Palestinian people's full exercise of their inalienable rights, and Israel's complete and unconditional withdrawal from the occupied territories, could bring about a just and lasting peace in the region. The General Assembly had reaffirmed the Palestinian people's inalienable right in resolution 3236 (XXIX).

94. Over two decades had passed since Israel's forcible occupation of Palestine territory; during that time the people had been denied its most elementary rights recognized in international instruments. Israel's systematic disdain of those instruments in regard to the occupied territory showed it had not the slightest intention of withdrawing. On the contrary, it was seeking to expropriate land, establish Israeli settlers in the occupied territories and coerce Palestinians into abandoning their property.

95. Oppression and suffering caused by deeds such as mass arrests, deportations, destruction of homes, closure of schools and universities, and attacks on refugee camps and holy places, were constant features of life for the Palestinians. Such daily practices by the occupying Power violated the norms of international law, the provisions of the Fourth Geneva Convention and the principles of the Charter.

96. Some two years previously, the Palestinian people had begun a popular uprising against the suffering and injustice caused by the Israeli occupation and the policies pursued by Israel in the territories annexed since 1967. The worsening situation had been summarized by the Special Committee in the eighth paragraph of the letter of transmittal of its twenty-first report to the Secretary-General (A/44/599).

97. Of the urgent measures which required to be taken in order to alleviate the tragic situation of the Palestinian people, the most immediate was the application of the Fourth Geneva Convention. Lasting protection of human rights and fundamental freedoms could be ensured, however, only through a negotiated just and global settlement of the Middle East conflict; a prerequisite for the negotiations was Israel's withdrawal from the occupied Arab territories and the participation in such negotiations of all concerned, including Israel and the Palestinian people's legitimate representative, the Palestine Liberation Organization.

98. Mr. CHAALAL (Observer for Algeria), referring to agenda item 9, said that the process of decolonization in which the United Nations had played an important role since its beginning in the 1960s, had been widely successful, to the extent that most former colonial countries currently enjoyed full sovereignty. Nevertheless, that positive outcome made it all the more necessary to wage a united campaign against colonial oppression which stifled the legitimate aspirations of people to exercise their inalienable national rights.

99. Even in Namibia, where a favourable outcome seemed imminent, the situation still demanded caution and vigilance until the United Nations plan for the independence of Namibia and preservation of its territorial integrity had been fully implemented in strict respect for internatinal standards and in accordance with Security Council resolution No. 435 (1978).

100. In South Africa, the situation remained alarming owing to the persistence of apartheid. There too, the international community should not allow itself to be beguiled by the promise of constitutional reforms. The support which nearly all peoples felt for the just cause of the black populations of South Africa should be expressed in solidarity with their total liberation from apartheid under the leadership of the African National Congress.

101. The international community would undoubtedly continue to support the completion of the work of decolonizing Africa by paying close attention to the situation in Western Sahara. His delegation welcomed the universal awareness of the problem and the need to arrive at a just and lasting solution of the conflict on the basis of the right of the people of Western Sahara to self-determination and independence.

102. The efforts of the Secretary-General of the United Nations and the current Chairman of the Organization of African Unity to promote the holding of a referendum for self-determination of the people of Western Sahara, under United Nations supervision, deserved the encouragement of Member States. His delegation also welcomed the direct negotiations that had been held between Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Polisario Front), and was convinced that such negotiations could contribute greatly to the success of the process which he had just outlined.

103. The consensus that had emerged at the most recent session of the General Assembly on the question of Western Sahara expressed the hope and determination of the international community to bring about a just and lasting settlement of a fratricidal conflict which had gone on far too long. That consensus would, he was certain, continue to prevail within the Commission.

104. The Palestinian people was subjected to unparalleled colonial oppression, the continuation of which was a threat to international peace and security. The repressive acts which characterized the illegal occupation of Palestine by the Zionist forces, and the escalation of terror, denounced by the General Assembly, posed a challenge to those who were attached to the cause of human rights.

105. The special reports prepared for and considered by organs of the United Nations system provided irrefutable evidence of the violations of the elementary rights and the denial of the very right to existence of the Palestinian people. However, neither mass gaolings, the demolition of houses nor the systematic expropriation of their legal inhabitants for the purpose of establishing settlements, in violation of the existing international conventions, could change the course of history. The intifadah unambiguously reflected the determination of the Palestinian people to exercise its inalienable right to self-determination and to enjoy its national rights through the creation of a sovereign and independent State.

106. Mrs. POC (Observer for Democratic Kampuchea), speaking in execise of the right of reply, said that, according to the Vietnamese representative, Viet Nam, with its 67 million inhabitants and the third largest army in the world, was a victim of tiny Cambodia, which had 7 million inhabitants and a small army. Viet Nam, by its massive invasion in December 1978, supported by 200,000 troops and sophisticated weaponry, had flagrantly violated the Charter of the United Nations and all international laws.

107. The vast majority of the international community had supported resolutions on Kampuchea calling for the right of the Cambodian people to self-determination. As H.R.H. Prince Sihanouk had stated, in an address to the General Assembly in November 1989, the war in Cambodia was not a civil war, but a national liberation struggle carried on by Cambodian patriots against Vietnamese colonialism, which was very much present in Cambodia.

108. There had never been any serious international verification of the so-called withdrawal of all Vietnamese troops from Cambodia in September 1989. The Cambodian National Resistance had requested the United Nations to send a mission to monitor the so-called "total withdrawal". Viet Nam and the Hun Sen régime had rejected such international supervision, which clearly indicated that they had something to hide - namely, tens of thousands of armed Vietnamese disguised as "Khmers" in Hun Sen's army and provincial militia. There were also more than 1 million Vietnamese settlers in Cambodia.

109. Thus, the so-called "withdrawal" was a huge subterfuge aimed at weakening international pressure and obtaining Western aid. In order to divert the attention of the international community from that subterfuge, Viet Nam continued to hold out the menace of the return of the Khmer Rouge to power, despite solemn pledges and the practical measures proposed to eliminate that threat. Viet Nam wished to preserve indefinitely the myth of the "Khmer Rouge danger" which gave it a convenient pretext for maintaining colonialism in Cambodia.

110. While the Khmer Rouge must be condemned, it was also necessary to condemn the Hanoi rulers for their crimes against humanity, including the invasion and occupation of Cambodia and the unabashed Vietnamization of Cambodia and its people. Moreover, the Phnom Penh régime continued to commit brutal violations of human rights, as attested by numerous reports by Amnesty International and other organizations.

111. The Hanoi rulers claimed that they were motivated by deep compassion and respect for the human rights of the Cambodian people, whereas they were not even capable of providing their own people with a decent life. Hundreds of thousands of "boat people" preferred to brave the open sea rather than trust their future to their own country. If Viet Nam was truly sincere in seeking a comprehensive political solution, it should accept the peace plan proposed by H.R.H. Prince Sihanouk and put to the test the measures proposed by the Khmer Rouge itself to prevent its return to power.

The meeting rose at 1.05 p.m.